

moneys collected in satisfaction of the obligation. The clerk of the district court shall record the notice and enter a satisfaction for the amounts collected.

Sec. 9. Section 666.6, Code 1995, is amended to read as follows:

666.6 ANNUAL REPORT OF OUTSTANDING FINES, PENALTIES, FORFEITURES, AND RECOGNIZANCES.

The clerk of the district court shall make an annual report in writing to the state court administrator no later than ~~January~~ August 15 of the fines, penalties, forfeitures, and recognizances which have not been paid, remitted, canceled, or otherwise satisfied during the previous ~~calendar~~ fiscal year.

Sec. 10. EFFECTIVE DATE. This Act takes effect January 1, 1996.

Approved May 4, 1995

CHAPTER 170

REGULATION OF REAL ESTATE BROKERS AND SALESPERSONS – MISCELLANEOUS PROVISIONS

H.F. 252

AN ACT relating to the regulation of real estate brokers and salespersons.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 543B.1, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

543B.1 LICENSE MANDATORY.

A person shall not, directly or indirectly, with the intention or upon the promise of receiving any valuable consideration, offer, attempt, agree to perform, or perform any single act as a real estate broker whether as a part of a transaction or as an entire transaction, or represent oneself as a real estate broker, broker associate, or salesperson, without first obtaining a license and otherwise complying with the requirements of this chapter.

Sec. 2. Section 543B.3, Code 1995, is amended by striking the section and inserting in lieu thereof the following:

543B.3 BROKER – DEFINITION.

As used in this chapter, “real estate broker” means a person acting for another for a fee, commission, or other compensation or promise, whether it be for all or part of a person’s time, and who engages directly or indirectly in any of the following acts:

1. Sells, exchanges, purchases, rents, or leases real estate.
2. Lists, offers, attempts, or agrees to list real estate for sale, exchange, purchase, rent, or lease.
3. Advertises or holds oneself out as being engaged in the business of selling, exchanging, purchasing, renting, leasing, or managing real estate.
4. Negotiates, or offers, attempts, or agrees to negotiate, the sale, exchange, purchase, rental, or lease of real estate.
5. Buys, sells, offers to buy or sell, or otherwise deals in options on real estate or improvements on real estate.
6. Collects, or offers, attempts, or agrees to collect, rent for the use of real estate.
7. Assists or directs in the procuring of prospects, intended to result in the sale, exchange, purchase, rental, or leasing of real estate.

8. Assists or directs in the negotiation of any transaction intended to result in the sale, exchange, purchase, rental, or leasing of real estate.

Sec. 3. Section 543B.4, Code 1995, is amended to read as follows:

543B.4 REAL ESTATE – DEFINITION.

“Real estate” as used in this chapter, shall mean “real estate” means real property wherever situated, and shall include includes any and all leaseholds or any other interest or estate therein in land, and business opportunities which involve any interest in real property.

Sec. 4. Section 543B.5, Code 1995, is amended to read as follows:

543B.5 OTHER DEFINITIONS.

As used in this chapter:

1. “Branch office” means a real estate broker’s office other than a principal place of business.

~~1.~~ 2. “Broker associate” means a person who has a broker’s license but is licensed under, and employed by or otherwise associated with, another broker as a salesperson.

~~2.~~ 3. “Inactive license” means either a broker or salesperson license certificate that is on file with the real estate commission in the commission office and during which time the licensee is precluded from engaging in any of the acts of this chapter.

4. “Person” means an individual, partnership, association, or corporation.

5. “Regular employee” means a person whose compensation is fixed in advance, who does not receive a commission, who works exclusively for the owner, and whose total compensation is subject to state and federal withholding.

~~3.~~ 6. “Salesperson” means a person who is licensed under, and employed by or otherwise associated with, a real estate broker, as a selling, renting, or listing agent or representative of the broker.

Sec. 5. Section 543B.7, Code 1995, is amended to read as follows:

543B.7 ACTS EXCLUDED FROM PROVISIONS.

The provisions of this chapter shall not apply to the sale, exchange, purchase, rental, lease, or advertising of any real estate in any of the following cases:

~~1. Owners or lessors, or to the regular employees thereof, with respect to the property owned and leased where such acts are performed in the regular course of or incident to the management of property owned and the investment therein.~~

1. A person who, as owner, spouse of an owner, general partner of a limited partnership, lessor, or prospective purchaser, or through another engaged by such person on a regular full-time basis, buys, sells, manages, or otherwise performs any act with reference to property owned, rented, leased, or to be acquired by such person.

2. By any person acting as attorney in fact under a duly executed and acknowledged power of attorney from the owner, authorizing to act on behalf of the owner or lessor to authorize the final consummation and execution of any contract for the sale, leasing, or exchange of real estate.

~~3. Nor shall the provisions of this chapter apply to an A licensed attorney admitted to practice in Iowa acting solely as an incident to the practice of law.~~

~~4. The acts of one while A person acting as a receiver, trustee in bankruptcy, administrator, executor, guardian, or while acting under court order or while acting under authority of a deed of trust, trust agreement, or will.~~

5. The acts of an auctioneer in conducting a public sale or auction. The auctioneer’s role must be limited to establishing the time, place, and method of an auction, advertising the auction including a brief description of the property for auction and the time and place for the auction, and crying the property at the auction. If the auctioneer closes or attempts to close the sale of the property or otherwise engages in acts defined in sections 543B.3 and 543B.6, then the requirements of this chapter do apply to the auctioneer.

6. An isolated real estate rental transaction by an owner's representative on behalf of said the owner; such transaction not being made in the course of repeated and successive transactions of a like character.

7. The sale of time-share uses as defined in section 557A.2.

8. A person acting as a resident manager when such resident manager resides in the dwelling and is engaged in the leasing of real property in connection with their employment.

9. An officer or employee of the federal government, state government, or a political subdivision of the state, in the conduct of the officer's or employee's official duties.

10. A person employed by a public or private utility who performs an act with reference to property owned, leased, or to be acquired by the utility employing that person, where such an act is performed in the regular course of, or incident to, the management of the property and the investment in the property.

Sec. 6. Section 543B.34, subsection 9, Code 1995, is amended to read as follows:

9. a. Paying a commission or any part of a commission for performing any of the acts specified in this chapter to a person who is not a licensed broker or salesperson under this chapter or who is not engaged in the real estate business in another state or foreign country, provided that the provisions of this section shall not be construed to prohibit the payment of earned commissions to any of the following:

(1) The estate or heirs of a deceased real estate licensee when such licensee had a valid real estate license in effect at the time the commission was earned.

(2) A citizen of another country acting as a referral agent if that country does not license real estate brokers and if the Iowa licensee paying the commission or compensation obtains and maintains reasonable written evidence that the payee is a citizen of the other country, is not a resident of this country, and is in the business of brokering real estate in that other country.

(3) A corporation pursuant to paragraph "b".

b. However, a A broker may pay a commission to a corporation which is wholly owned, or owned with a spouse, by a salesperson or broker associate employed by or otherwise associated with the broker, if all of the following conditions are met:

a. (1) The corporation does not engage in real estate transactions as a third-party agent or in any other activity requiring a license under this chapter.

b. (2) The employing broker is not relieved of any obligation to supervise the employed licensee or any other requirement of this chapter or the rules adopted pursuant to this chapter.

e. (3) The employed broker associate or salesperson is not relieved from any personal civil liability for any licensed activities by interposing the corporate form.

Sec. 7. Section 543B.46, subsection 4, Code 1995, is amended to read as follows:

4. Each broker shall only deposit trust funds received on real estate or business opportunity transactions as defined in section 543B.6 in said the common trust account and shall not commingle the broker's personal funds or other funds in said the trust account with the exception that a broker may deposit and keep a sum not to exceed one five hundred dollars in said the account from the broker's personal funds, which sum shall be specifically identified and deposited to cover bank service charges relating to said the trust account.

Approved May 4, 1995

CHAPTER 171

EXEMPTIONS FROM MOTOR CARRIER SAFETY REQUIREMENTS

H.F. 393

AN ACT relating to certain exemptions from federal motor carrier safety regulations.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.449, unnumbered paragraph 4, Code 1995, is amended to read as follows:

Notwithstanding other provisions of this section, rules adopted under this section for a ~~driver~~ drivers of a commercial vehicle vehicles shall not apply to a driver ~~for a private carrier, who is not for hire and~~ of a commercial vehicle who is engaged exclusively in intrastate commerce, when the ~~driver's commercial vehicle is not operated more than one hundred miles from the driver's work reporting location~~ vehicle's gross vehicle weight rating is 26,000 pounds or less, unless the vehicle is used to transport hazardous materials requiring a placard or if the vehicle is designed to transport more than fifteen passengers, including the driver. For the purpose of complying with the hours of service recordkeeping requirements under 49 C.F.R. § 395.1(e)(5), a driver's report of daily beginning and ending on duty time submitted to the motor carrier at the end of each work week shall be considered acceptable motor carrier time records. In addition, rules adopted under this section shall not apply to a driver for a farm operation as defined in section 352.2, or for an agricultural interest when the commercial vehicle is operated between the farm as defined in section 352.2 and another farm, between the farm and a market for farm products, or between the farm and an agribusiness location. A driver or a driver-salesperson for a private carrier, who is not for hire and who is engaged exclusively in intrastate commerce may drive twelve hours, be on duty sixteen hours in a twenty-four hour period and be on duty seventy hours in seven consecutive days or eighty hours in eight consecutive days. A driver-salesperson means as defined in 49 C.F.R. § 395.2, adopted as of a specific date by the department by rule.

Approved May 4, 1995

CHAPTER 172

APPLICATION OF PESTICIDES AND OTHER CHEMICALS

S.F. 256

AN ACT providing for pesticides, by providing for the notification of application and providing for the elimination of provisions relating to chemigation.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 206.2, subsection 7, Code 1995, is amended by striking the subsection.

Sec. 2. Section 206.5, subsection 6, Code 1995, is amended by striking the subsection.

Sec. 3. Section 206.19, subsection 3, Code 1995, is amended to read as follows:

3. Determine in cooperation with municipalities, the proper notice to be given by a commercial or public applicator to occupants of adjoining properties in urban areas prior to or after the exterior application of pesticides, and establish a schedule to determine the